No. 429—Ry. F. 124, dated 12th February 1907.

Whereas an application has been made by the Mysore Manganese Company, Limited, with the consent of the Municipal Board of Shimoga, for an order authorizing the construction of a tramway from the Shimoga Railway Station on the Birur-Shimoga Railway to the Manganese Mines near Kumsi and whereas the Government of His Highness the Maharaja of Mysore are satisfied as to the propriety of proceeding thereon; the following draft of an order, proposed to be issued under Section 4 of the Mysore Tramways Regulation, II of 1906, authorizing the construction of the said tramway is hereby published under Section 6 of the said Regulation, for the information of all persons interested. Any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Government of His Highness the Maharaja of Mysore on or before the 15th March 1907, be received and duly considered.

DRAFT ORDER.

Draft of an order proposed to be made under Section 6 of the Mysore Tramways Regulation, II of 1906, by the Government of His Highness the Maharaja of Mysore, authorizing the Mysore Manganese Company, Limited, to construct a tramway in the Shimoga District of the Mysore State.

PRELIMINARY.

Short title.

1. This order may be cited as the Mysore Manganese Company, Limited, Order, 1907.

Interpretation Clause.

2. The several words and expressions to which meanings are assigned by the Mysore Tramways Regulation 1906, have in this order the same respective meanings provided that in this order the expression "the tramway" or "the undertaking" shall mean the tramway and works and undertaking by this order authorized.

Conditions applicable.

3. The tramway authorized by this order shall be constructed, maintained and worked in accordance with the Mysore Tramways Regulation, II of 1906, and subject to the provisions of this order.

Promoters.

4. The Mysore Manganese Company, Limited, shall be the promoters for the purpose of this order, and are in this order referred to as "the promoters."

CONSTRUCTION OF TRAMWAY.

Description of tramway authorized.

5. The promoters may construct and maintain, subject to the provisions of this order, and in accordance with the plans and sections deposited for the purpose of this order, the tramway hereinafter described, with all proper rails, bearings, offices, station buildings, work, and conveniences connected therewith or for the purposes thereof, and may work and use the same. The tramway authorized by this order is a single line with necessary passing places, to be laid partly on a formation of its own, and partly on the provincial road through the town of Shimoga to the Shimoga Railway Station on the Birur-Shimoga Railway a distance of about 30 miles.

Wire fencing.

6. The promoters shall put up wire fencing wherever the line runs alongside of or on the Municipal roads; excepting over the Tunga Bridge for which special conditions are laid down in para 8.

Promoters authorized to use road subject to limitation.

7. The promoters may use, for the construction of the tramway, but not for the purpose of any building or erection connected therewith, the portions of the provincial road, five and a half feet only in width, measured from the gutter, or where the road is in embankment, from the edge of such embankment on that side of the road which the local authority may approve and, for the purpose of constructing passing places or of crossing bridges or culverts, may approach the centre of the road as far as shall in each instance be deemed necessary by the Chief Engineer of Mysore: provided that if any addition to, or alteration of, any bridge or culvert is, in the opinion of the said Engineer, rendered necessary by the tramway, the same shall be carried out by, and at the expense of, the promoters to the satisfaction of the Engineer aforesaid; and provided further that any modification found necessary in the course of construction may be carried out with the consent in writing first obtained of the local authority and the Engineer aforesaid.

The promoters shall erect gates at all places where the tram-line crosses the Municipal roads.

Promoters authorized to use the Tunga River Bridge at Shimoga subject to certain conditions.

8. The promoters are authorized to lay the tramway upon the existing road on the bridge over the Tunga river at Shimoga on the following conditions:—

(1) that the rails are to be laid as near to one side of the road-way as the standard dimensions laid down by the Government of India will admit of;

(2) that the top of the rail shall be flush with the road surface;

(3) that guard rails, or rails of a special suitable type shall be laid for the whole length over the bridge;

D

(4) that to obviate any chance of accidents when there is any cart on the bridge the train shall be brought to a stand-still 100 yards from the end of the bridge until the cart has passed over ;

(5) that the speed over the bridge shall not exceed 5 miles an hour;

(6) that the promoters shall put up gates at either end of the bridge ;

(7) that the promoters shall not run any trains on the bridge for half an hour before and half an hour after the advertised times for the arrival and departure of trains at the Shimoga Railway Station ;

(8) that the promoters shall put up wire fencing to the height of two feet on the west parapet wall of the Tunga river bridge ;

(9) that the gradient of the Tram-line from the road-way over the Tunga bridge down to the Hole-Honnur road shall not be steeper than one in twenty-five.

Remainder of road to be left free.

9. The portion of the road which the promoters are not authorized by or under this order to use for the purpose of the tramway, shall be left free and unencumbered for ordinary traffic, and no obstruction whatever shall be placed thereon or caused thereto, without the previous written consent of the said Engineer.

Use of road for stacking materials.

10. The promoters may stack road metal and other materials for the construction or the maintenance of the tramway within the road limits in such localities as may be selected by the Chief Engineer of Mysore; but the same shall be stacked in such a manner as not to impede or endanger the traffic on the said road, and the said localities shall not be used by the Engineer aforesaid for the purpose of stacking Government materials.

Lopping trees without permission or urgent necessity prohibited.

11. The promoters shall not, without the consent of the Deputy Commissioner of the Shimoga District in writing, cut down or lop any tree growing along or by the side of the road, except that in case of emergency the promoters may remove or lop the branches or any portion of a tree which projects or hangs in such a manner as to be a source of danger or impediment to the tramway traffic.

Powers of Government to authorize interference with tramway in carrying out necessary works.

12. In the event of any necessity arising for carrying out in or on land occupied by the tramway any work connected with any sewer, drain, telegraph line, gas pipe, water-pipe, or anything whatsoever, the Government of His Highness the Maharaja of Mysore, the local authority, the road authority, or any person or persons interested in the carrying out of such work or works, and in the case of a telegraph line the Superintendent of Telegraph Offices may by notice in writing to the promoters, call upon the promoters to show cause why any portion of such tramway should not be closed for traffic to enable such work or works to be carried out in safety. After considering the necessity for closing such portion of the tramway as well as any objection or suggestions which may be made by the promoters, the Government of His Highness the Maharaja of Mysore, or such person or persons as the Government of His Highness the Maharaja of Mysore may appoint by general or special order for the purpose, may direct that the promoters shall close any portion of the tramway for such a period of time and under such other condition as, in the circumstance of the case, may appear to be necessary, and may also direct that a temporary tramway in place of the portion removed shall be constructed and used, and may prescribe any conditions under which such temporary tramway shall be constructed and used. The promoters shall be bound to comply with such directions, and allow the work referred to therein to be carried out; provided that, unless otherwise directed, any portion of the tramway which it may be necessary to remove in order to the carrying out of such work, shall be removed and re-instated by, or at the expense of, the Government, the local authority, the road authority, the person or persons, the Superintendent of Telegraph Offices as the case may be, by whom the work is carried out.

Condition on which the promoters allowed to interfere with structures in or on road.

13. In the event of the promoters desiring that any drain, telegraph line, gas pipe, water pipe, or other thing whatsoever in or on the land occupied or to be occupied by the tramway should be interfered with, or that the position of any one of them should be altered, the promoters shall give notice in writing to the local authority and the road authority, and to any officer or any person in charge of or interested in the thing or things to be interfered with or altered, and in the case of a telegraph line to the Superintendent of Telegraph Offices and shall also submit an application to the Government of His Highness the Maharaja of Mysore, and after considering the application of the promoters, as well as any objections or suggestions that may be made with reference to such application, the Government of His Highness the Maharaja of Mysore, or such person or persons as the Government of His Highness the Maharaja of Mysore may appoint by general or special order for the purpose, may pass such order on the application as in the circumstances of the case may appear fit: provided that the promoters shall not in any case be entitled to require any interference with or alteration of any sewer or drain, or the position thereof.

Acquisition of land required by the promoters.

14. The promoters may from time to time acquire such land, other than the portion of the Provincial road which they are authorized by or under this order to use, as they require for the purpose of the undertaking by agreement made through and with the concurrence of the Deputy Commissioner, Shimoga District, by sending him the necessary application together with land plans and statements, and all expenses incurred by the Deputy Commissioner in connection therewith shall be borne by the promoters. The promoters may, from time to time, with the approval of the Deputy Commissioner of Shimoga, but not otherwise, sell or otherwise dispose of any such land which may not be necessary for such purposes.

The promoters shall observe the following conditions for acquiring the land :—

I. *Land in occupation.*—The promoters may acquire any land which they may require in the manner stated above and in accordance with the rules in force under the Land Acquisition Regulation No. VII of 1894.

II. *Assessed waste unoccupied.*—The promoters may acquire the whole survey numbers through which the line passes on payment of the full assessment on them together with the "Malki" or the value of the trees thereon.

(2) If any of the assessed numbers is of large area, the promoters may apply to the Deputy Commissioner, Shimoga District, for such areas being phoded at the expense of the promoters who however must continue to pay the full assessment on such numbers till they are "phoded."

(3) If any survey number is made unfit for cultivation by the operations of the promoters such loss must be made good to Government by them.

III. *Unassessed waste unoccupied.*—The promoters may acquire any strip of land which they may require on payment of a lump sum assessment on the total area so acquired on the whole line at one Rupee or Rs. 1-4-0 per acre together with the value of all trees standing thereon.

IV. The promoters shall not breach any small kattes or to close, or divert any existing waterways or water courses—flowing into tanks or ponds on the route followed by the tramway line.

V. *Land through State Forests.*—The promoters may acquire these lands if required on the following terms :—

(*a*) Value of the land at Rs. 150 per acre, and

(*b*) Value of the forest growth on the land according to the valuation of the District Forest Officer, who will be requested to furnish the rates at which the forest growth is valued if required by the promoters.

Commencement, completion and opening of tramway.

15. Work on the tramway shall be commenced within three months from the date of the final order of the Government of His Highness the Maharaja of Mysore authorizing the construction of the tramway; and completed and opened within two years.

Limit of gauge and width of carriages.

16. The tramway shall be constructed on a gauge of two feet six inches and no carriage, truck or wagon used on the tramway shall project outwards beyond the inside edge of the rail more than two feet and six inches on each side.

Description of rail to be used.

17. The rails of the tramway shall, except as hereinafter specified, be flat bottom steel rails laid on sleepers and raised above the road. Provided that at such portion of the line passing through the town of Shimoga, or through villages, or over bridges as the road authorities may require, grooved rails shall be used, laid, and maintained flush with the road.

Promoters making crossings, etc., to comply with orders of Government.

18. Subject to the approval of the Government of His Highness the Maharaja of Mysore, the promoters may, from time to time, hereafter make all such crossings, passing places, junctions, and other works in addition to those particularly specified in and authorized by this order as may from time to time be necessary or convenient to the efficient working of the tramway, or for providing access to any station, building, or work of the promoters.

Temporary tramways in place of portion interrupted.

19. When from accident or flood, by reason of the execution of any work affecting the surface or soil of the road along which the tramway is laid, it is, in the opinion of the Government of His Highness the Maharaja of Mysore, necessary or expedient temporarily to remove or discontinue the use of the tramway, or any part thereof, the promoters subject to such conditions, and in accordance in all respects with such regulations as the Government of His Highness the Maharaja of Mysore may from time to time make, may construct and maintain, so long as occasion may require, a temporary tramway in lieu of the tramway or part of the tramway removed or discontinued.

MOTIVE POWER.

Use of Motive power.

20. The wagons and brakevans used on the tramway may be moved by steam power.

Speed authorized.

21. The maximum speed shall not exceed 10 miles an hour, or such other speed as may from time to time be authorized by the Government of His Highness the Maharaja of Mysore, and no vehicles shall pass through any movable facing point at a speed exceeding five miles an hour.

MAINTENANCE OF TRAMWAY.

Promoters' liability to maintain and repair tramway.

22. The promoters shall at all times maintain and keep in good condition and repair, to the satisfaction of the Government of His Highness the Maharaja of Mysore aforesaid, and so as not to be a danger or annoyance to the ordinary traffic, the rails and substructure of the tramway.

And portion of the road.

23. The promoters shall maintain and keep in good condition and repair, to the satisfaction of the Government of His Highness the Maharaja of Mysore, so as not to interfere with the efficient drainage of the road, the portion of the provincial road extending from the drain or gutter or the edge of the embankment, as the case may be, on that portion of the road on which the rails are laid to a distance of 18 inches beyond the further rail. This portion of the road shall be ballasted by, and at the cost of, the promoters who shall also, at their own cost, alter the position or level of the tramway and of this portion of the road to suit future alterations in the road, and forthwith repair, make good, and re-instate to the satisfaction of the Chief Engineer aforesaid any other portion of the road which shall at any time be in any way damaged by reason of any fault of the promoters or of any accident to or upon the tramway. The gutter or drain on the side of the road on which the rails are laid as the same at present exists or shall hereafter be constructed at the cost of Government, shall likewise be maintained in efficient order by and at the cost of the promoters.

Use by promoters of excavated materials.

24. Any road metal or material excavated by the promoters from the provincial road in the construction or maintenance of the tramway, may be applied by them in or towards reinstating the said road or in or towards completing any work thereon required by this order.

The promoters shall adopt and apply such improvements in the tramway and in the carriages used thereon, and in the fittings, appliances and apparatus of such carriages as the Government of His Highness the Maharaja of Mysore may from time to time consider necessary or desirable for the safety or convenience of the public.

TRAFFIC UPON THE TRAMWAY.

Traffic promoters may carry.

25. The tramway may be used for the purpose of conveying luggage, goods, fuel, minerals and parcels of the Company as required for use on the tramway, provided that the promoters may in their discretion refuse to carry any such luggage, goods, fuel, minerals and parcels of the public.

Dangerous goods.

26. The following articles shall be considered dangerous goods within the meaning of Section 16 of the Mysore Tramways Regulation:—

Carbolic acid.
Kerosene oil.
Parafin.
Rangoon oil.
Wood naptha.
Nitrate of iron.
Solution of ammonia.
Ammunition.
Crackers.
Coloured fires.
Combustibles.
Chlorate mixture.
Detonators.
Firework composition.
Fireworks.
Fuse.
Gunpowder.
Aquafortis.
Chloride of sulphur.
Fluoric acid.
Fusil oil.
Napthalin.
Petroleum and other hydrocarbon oils.
Muriate of tin.
Perchloride of iron.
Amorphous phosphorous.
Cartridges.
Congreve matches.
Cotton powder.
Dynamite.
Fogsignals.
Gun-cotton.
Sulphate of indigo (concentrated).
Bromine.
Chloroform.
Glacial acetic.
Acid.

Mineral acid such as :—

Muriatic acid, nitric acid, sulphuric acid or oil of vitriol.
Gun-cotton powder.
Lucifer matches.
Nitrated gun-cotton.
Phosphorous.
Percussion caps.
Tubes for fixing explosives.
Vesuvians.
Explosive chemicals.
Lithofracteur.
Mellinite.
Nitro-glycerine and its compounds.
Schultze gunpowder.
War rockets.
All other explosives.

Warning signals to be provided.

27. Every driver of a train or engine on the tramway shall be provided, whilst on duty, with a special bell, whistle, or other apparatus to be sounded as a warning when necessary.

Patterns of carriages to be approved by Government.

28. Every truck or wagon used on the tramway shall be constructed of a pattern approved by the Government of His Highness the Maharaja of Mysore.

Brake to be used.

29. Every train when running on the tramway shall be provided with an efficient brake to be worked by the guard in charge of the train.

Chief Engineer may provisionally prohibit use of carriages.

30. The Chief Engineer may, whenever he thinks fit, prohibit the use on the tramway of any carriage which, in his opinion, is not safe for use thereon. Every such prohibition shall hold good until the same is either set aside, or modified by the Government of His Highness the Maharaja of Mysore, and the promoters shall be bound by any order passed by the Government of His Highness the Maharaja of Mysore respecting any such carriage.

MISCELLANEOUS.

Restriction on alienation.

31. The promoters shall not transfer the undertaking or any part thereof by sale, mortgage, lease, exchange, or otherwise, except with the previous sanction of, and on such conditions as may be approved by, the Government of His Highness the Maharaja of Mysore.

Promoters to facilitate levy of Municipal dues, etc.

32. The promoters shall afford the Municipality of Shimoga all reasonable facilities for the collection of octroi and other Municipal taxes, if any leviable on goods carried by the tramway.

Tax to be paid to Government for the use of the road.

33. The promoters shall pay Government a tax of 6 annas per truck load of Manganese Ore trained by the steam tramway.

Tax to be paid to the Shimoga Municipality.

34. That a toll duty of anna one per ton be levied on the Manganese or other ore carried by the tramway and that a monthly statement of the quantity of Manganese Ore or other materials be submitted every month to the Municipal Board.

Liability of all works, etc., to inspection.

35. The undertaking and all works, stocks and appliances appertaining thereto shall at all times be opened to the inspection and examination of any person or persons whom the Government of His Highness the Maharaja of Mysore may appoint for that purpose, and the promoters shall afford all reasonable facilities for the inspection or examination to the officer making it.

Close of tramway and disuse of rolling stock by order of Government.

36. When, after the inspection of the tramway or portion of the tramway or any rolling stock used thereon, the officer making the inspection under Clause 35 reports to the Government of His Highness the Maharaja of Mysore that, in his opinion, the use of the tramway or portion thereof, or of any specified rolling stock will be attended with danger, the Government of His Highness the Maharaja of Mysore may direct that the tramway or portion thereof be closed for the traffic, or that the rolling stock so specified shall no longer be used, as the case may be.

Tramway not to be re-opened after such order till sanction obtained.

37. When the tramway or any portion of the tramway has been closed under Clause 36, it shall not be re-opened unless and until it has been inspected and its opening sanctioned in accordance with the provisions of Section 12 of the Mysore Tramways Regulation, No. II of 1906.

Rolling stock not to be used again after such order till sanction obtained.

38. When the Government of His Highness the Maharaja of Mysore have directed under Clause 36 that any rolling stock shall not be used, the rolling stock shall not be used unless and until the officer named in Clause 35 reports that it is fit for use, and the Government of His Highness the Maharaja of Mysore sanctions its use.

On promoters' default works required by Regulation may be executed by Government at cost of promoters.

39. In the event of any work required by the Mysore Tramways Regulation, 1906, or by this order to be done by the promoters not being done by them, the Government of His Highness the Maharaja of Mysore may cause a notice to be served on the promoters requiring them within a reasonable period, to be prescribed in the said notice, to execute the said work, and if within the period so prescribed such requisition is not complied with, the Government of His Highness the Maharaja of Mysore may cause such work to be done, and the cost thereof shall be recoverable from the promoters under Section 36 of the said Regulation.

Penalty for failing to observe any of the conditions or directions.

40. If the promoters fail to observe any condition, or direction contained in or made under this order, they shall for each such offence be liable to a penalty which may extend to two hundred rupees, and in the case of a continuing offence, to a further penalty, which may extend to fifty rupees, for each day after the first during which the offence continues. Every penalty recovered under this clause shall be applied as the Government of His Highness the Maharaja of Mysore from time to time direct.

DISCONTINUANCE OF TRAMWAYS.

Cessation of powers of promoter and lessee, on discontinuance of tramway.

41. If it is proved to the satisfaction of the Government of His Highness the Maharaja of Mysore, at any time after the opening of this tramway, that the working of the tramway, or any part thereof, has been practically discontinued for the space of three months, without a reason sufficient, in the opinion of the Government of His Highness the Maharaja of Mysore, to warrant the discontinuance, the Government of His Highness the Maharaja of Mysore, if it thinks fit, may, by notification in the official gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of notification, be at an end, and thereupon the said powers shall cease and determine, except in so far as they may be purchased by a local authority in the manner provided in the Mysore Tramways Regulation, 1906.

By Order,
W. McHUTCHIN,
Secy. for Railways, Govt. of Mysore.